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EXHIBIT 2

1112081ambousis-cp

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 CHARLES SEWARD,
4 Individually and on Behalf
5 Of All Others Similarly }
6 Situated, } 08 CIV 3976 (KMK)
7 Plaintiff, } ECF CASE
8 Vs. }
9 INTERNATIONAL BUSINESS }
10 MACHINES CORPORATION, }
11 D/B/A IBM CORP., }
12 Defendant. }

13 Deposition of GEORGE LAMBOUSIS, JR., taken on
14 behalf of the Plaintiff, pursuant to the
15 stipulations contained herein, in accordance with
16 the Federal Rules of Civil Procedure, before Charna
17 S. Perloe, Certified Court Reporter, at 1420
18 Peachtree Street, NE, Atlanta, Georgia, on the 12th
19 day of November, 2008, commencing at the hour of
20 9:04 a.m.

21
22 * * *
23 D'AMICO GERSHWIN, INC.
24 Certified Court Reporters
25 11475 West Road
Roswell, Georgia 30075
(770) 645-6111

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□

4

1 GEORGE LAMBOUSIS, JR.,
2 being first duly sworn, was examined and testified as
3 follows:

4 EXAMINATION

5 BY MR. WALTON:

6 Q Good morning. Could you please state your
7 name for the record?

8 A George Lambousis, Jr.

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9 Q Can you spell your last name for us?

10 A L-A-M-B-O-U-S-I-S.

11 Q Have you ever had your deposition taken
12 before?

13 A No.

14 Q Well, basically, it's going to be as though
15 you were in a court of law. Everything you say today
16 should be the truth, the whole truth and nothing but
17 the truth. If you don't understand anything I ask you,
18 please feel free to tell me to rephrase it. I'll try
19 to get you to understand, help you understand my
20 question.

21 Is there any reason why you can't give honest
22 and truthful testimony today?

23 A No.

24 Q You're not on any medications or anything that
25 would --

□

5

1 A No.

2 Q If you ever need to take a break or anything,
3 let me know. I'm happy to do it. This shouldn't take
4 but maybe four hours this morning. We'll get you on
5 your way. Is that all right?

6 A Sure.

7 Q Other than having discussions with your
8 lawyer, what did you do to prepare for today's
9 deposition?

10 A Nothing, really.

11 Q Didn't review any documents?

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12 MR. RAY: Let me interject, to the
13 extent he reviewed documents to refresh, he
14 can certainly answer that, otherwise I'll
15 object.

16 MR. WALTON: Absolutely.

17 BY MR. WALTON:

18 Q I'm not trying to inquire as to what you two
19 may have done.

20 A No.

21 Q What is your work history?

22 A I've been with IBM for just over 35 years,
23 started in May of 1973.

24 Q And what is Load Latch Company?

25 A Load Latch Company is a company that --

□

6

1 limited liability corporation. It belongs to my son
2 and daughter.

3 Q And do you serve as an operations consultant
4 with it?

5 A In a sense.

6 Q I'm going to have the court reporter mark this
7 document as the first exhibit for your deposition
8 today.

9 (Plaintiff's Exhibit No. 1 was marked.)

10 MR. WALTON: We'll get copies
11 afterwards.

12 BY MR. WALTON:

13 Q Take a look at the second page, if you will.

14 MR. RAY: Second page?
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15 MR. WALTON: Yeah.

16 BY MR. WALTON:

17 Q I'll represent to you that I printed this off
18 of the Load Latch web site. Does that look familiar,
19 the description?

20 A Sure.

21 Q And does it accurately describe who you are?

22 A Yes. It is two years old, give or take, but
23 at the time, yes.

24 Q But at the time, yes. Okay. So what is your
25 official title right now with IBM?

□

7

1 A I am the server brand manager.

2 Q And how long have you been the server brand
3 manager?

4 A For nine, nine-plus years, I believe.

5 Q And before you were the server brand manager,
6 what was your position?

7 A I was the team leader of that team for a short
8 period of time.

9 Q How long did you hold the team lead position?

10 A Six, eight months, I think.

11 Q Before team lead?

12 A I had a staffing operations position. I was
13 an ISO 9000 quality auditor when our division of IBM
14 was participating in that.

15 Q How long did that position last?

16 A I think a couple, three years, maybe.

17 Q Two, three years. And then prior to the

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18 quality auditor?

19 A Prior to that staff position, I was a phone
20 rep, technical support rep.

21 Q And how long were you a phone rep, technical
22 support representative?

23 A It was around four years, close to four years.

24 Q That's about, if I'm doing my math correctly,
25 that's about halfway through your IBM work experience?

□

8

1 A Pretty much, yeah.

2 Q Before you were the phone rep, technical
3 support rep, what was your position with IBM?

4 A Next one back from there, I was a traveling
5 tech support specialist.

6 Q And the next one back?

7 A I was a new hire as a IBM CE. We were called
8 CE's in the day, customer engineer.

9 Q Is it very different from tech support?

10 A No, not really. It's just face to face versus
11 phone.

12 Q Okay. Phone rep, traveling tech, and then the
13 new hire CE, was that all on the technical support
14 side?

15 A Yes.

16 Q Let's go back to your current position, server
17 brand manager?

18 A That's correct.

19 Q What are the job duties and responsibilities
20 of the server brand manager?

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21 A I have a strategy and execution role for this
22 team.

23 Q Strategy and execution role in what respect?

24 A I manage and set the processes that drive the
25 way we perform our work for our clients.

9

1 Q Maybe it will help me understand. As to your
2 team, and specifically what work do you perform for
3 your clients that you're strategizing about?

4 A We're a remote technical support center for
5 North America for the product set called System X. If
6 a client has a problem with an IBM product, they would
7 call and talk to my team.

8 Q System X?

9 A System X.

10 Q Does IBM have additional systems where they
11 would be calling someplace else if they needed support?

12 A Yes.

13 Q Is there just one product at System X or are
14 there multiple products within the system?

15 A There are multiple machines within that
16 platform, yes.

17 Q Okay. Can you identify, say, five for me
18 that --

19 A One that's kind of popular today that you
20 might recognize would be the IBM Blade Center, for
21 instance.

22 Q Is that the Blade servers?

23 A Yes.

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24 Q Anything else that I might recognize today?
25 A Cluster, clustering the support, and then

□

10

1 there's 200-plus different machine types that make up
2 System X. So I don't -- I don't believe you would
3 recognize them by four-digit machine types.
4 Q You're right. I probably would not. How many
5 members do you have on your team or what is your team?
6 A My team is System X support.
7 Q And is it everyone?
8 A It's everyone on System X support.
9 Q How many people is that?
10 A It's around 160.
11 Q And is there within that 160-member team, is
12 there a group of team members that you consider like
13 senior or more management?
14 A I have a team that directly report to me of
15 team leads.
16 Q Okay. How many are on that team?
17 A There's ten.
18 Q And you call them team leads?
19 A Yes.
20 Q And who are those ten?
21 A By name?
22 Q Yeah.
23 A Let me start off logically: Sebastian Savage,
24 Fred Nutter, Charles Coleman, Jack Cam, Kevin Boren,
25 Dan Smith, Dominique Sarno, Dan Smetana, and Damon Key.

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11

1 Is that ten?

2 Q Nine, ten. I got them all.

3 A Brenda Strickland. Sorry. She doesn't have a
4 team.

5 Q Then I take it each one of these individuals,
6 they have additional individuals under them?

7 A They have -- some do have responsibility to
8 teams on the floor, yes.

9 Q Some, I take it then, not all of them?

10 A That's true.

11 Q Which ones do not have responsibility?

12 A Brenda Strickland. That's why I missed her.
13 Her responsibility is directly to me with the schedule.

14 Q But everybody else, I take it, has a group of
15 individuals on the floor?

16 A That's correct.

17 Q Just so I'm clear, when you say "on the floor"
18 or if I say "on the floor" today, are we talking about
19 the Riveredge Atlanta call center?

20 A For the most part. I do have a small group of
21 people in Raleigh, North Carolina.

22 Q And which of these members is the team lead
23 for Raleigh?

24 A Dan Smith.

25 Q Who do you report to?

12

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1 A Vicki Reidy.
2 Q And who is Vicki?
3 A She is the Smart Center executive, is her
4 title.
5 Q And what is the Smart Center?
6 A It's another name for System X technical
7 support.
8 Q And who does Vicki report to?
9 A Charles Oh.
10 Q Can you spell Charles' last name?
11 A O-H.
12 Q Do you know Charles' title?
13 A I'm not really -- not sure.
14 Q Do you know who Charles reports to?
15 A Hallie Myers.
16 Q And then do you know Hallie's title?
17 A I believe she's vice-president of technical
18 support, something close to that.
19 Q And where is Hallie located?
20 A I believe her office is in Raleigh.
21 Q In some of the documents, I've come across the
22 name Melanie Curtis.
23 A I don't recognize Melanie Curtis.
24 Q Now, with your team and, I guess, especially
25 the team leads, what kinds of things do you guys, on a

13

1 monthly basis, what kinds of things would you sit down
2 and, say, manager strategize about? If it makes it
3 easier for you, why don't we look at like the last

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4 month.

5 A We have a set of business objectives that are
6 our primary responsibility, and that would be what we
7 would talk about.

8 Q Okay. And what are those business objectives
9 that are your primary responsibility?

10 A There's several, but the first and foremost
11 would be client satisfaction, answer speed, ASA, which
12 is answer speed to our live clients.

13 Q Is that in reference to like telephonic
14 customer support?

15 A Yes. Do you want me to go down a list?

16 Q Yeah. Why don't we go down a list.

17 A We have, for electronically placed call
18 clients, we have a metric called CC Within An Hour,
19 Call Back Within An Hour. We have a technical metric
20 called Solve Rate, which is basically the number of
21 times we're able to resolve the client's problem on the
22 telephone.

23 Along with that metric is one called First
24 Time Fix, where we measure the percent of time that our
25 action plan given to the client to solve their problem

□

14

1 was, in fact, correct. We have -- there's several
2 more.

3 Q Okay. You've listed a few of these metrics
4 that, I take it, do you measure them and keep track of
5 them?

6 A Yes. I have the data provided to me; let me

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7 put it to you that way.

8 Q The data is provided to you, and you see it in
9 forms of reports?

10 A Yes.

11 Q What kinds of reports?

12 A Reports that present me the data that I just
13 described to you.

14 Q Yeah. Are there specific names to certain
15 reports?

16 A There are names, but I don't -- there are
17 names -- well, one would be Customer Satisfaction or
18 NSI. They're kind of self-explanatory.

19 Q Okay. Is your team structured in the same way
20 that I'm learning other groups within the call center
21 are structured? And by that I mean, you have team
22 leads. Is there a first line and a second line, if I'm
23 saying that correctly?

24 MR. RAY: Is the question whether they
25 have first lines and second lines or is his

15

1 team structured like other teams?

2 MR. WALTON: It's compound. Thanks.

3 I'm just trying to get an understanding.

4 BY MR. WALTON:

5 Q Within your teams, do you have first-line
6 managers?

7 A Yes.

8 Q Do you have second-line managers?

9 A Well, I told you Vicki's title. Under the old

1112081ambousis-cp
10 nomenclature within IBM, I don't know whether she would
11 be two or three.

12 Q Now, help me --

13 A Her title is Smart Center executive.

14 Q The first reports to the second or is it the
15 other way?

16 A The first reports to the Smart Center
17 executive.

18 Q So if Vicki were the second, they would be
19 reporting to her as first line?

20 A Yes. I do report to her, as I said.

21 Q Okay. Just so I'm clear, if Vicki gives you
22 an order, you're supposed to follow it?

23 A That's correct.

24 Q And if you give any of your team members an
25 order, they're expected to follow it?

16

1 A That's correct.

2 Q And where is your office located?

3 A 1500 Riveredge Parkway.

4 Q Within Building 1500, where?

5 A Ninth floor.

6 Q Are all the floors at Building 1500 IBM
7 floors?

8 A I don't believe they are anymore, no.

9 Q Do you know which floors are IBM?

10 A I know a few. I know for sure mine is.

11 Q Okay.

12 A I know the fourth floor is, because I've

1112081ambousis-cp
13 worked there before. The seventh floor, I have a
14 classroom for my team on that floor, and I believe
15 that's all IBM real estate on that floor.

16 Q And the fifth floor, you don't know?

17 A Fifth floor, I believe, is still all IBM.

18 Q And how about the third?

19 A The third floor is our POS support center, so
20 yes.

21 Q When you say "POS support," what's that?

22 A It's a retail, retail clients.

23 Q Now, are you a salaried employee?

24 A I am.

25 Q By that, do you understand what I mean when I

17

1 say an "exempt salaried employee"?

2 A I do.

3 Q Do you know how many members of your team --
4 and by that I mean all 160 -- are also exempt salaried
5 employees?

6 A Well, eight of my ten team leads are exempt.
7 I know we have a few on our Level 2 technical support
8 team that are exempt. Beyond that, I'd have to refer
9 back to the managers and refresh my memory.

10 Q But are most of the 160 members nonexempt,
11 hourly paid employees?

12 A Yes.

13 Q Is there a specific set of policies that IBM
14 has that you're expected to follow in managing your
15 team?

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16 A I'd have to say no to that. There are
17 certainly some HR policies, if you will. There's no
18 policies to drive a manager to do step A, step B, step
19 C.

20 Q Okay. Other than -- if I'm understanding
21 then, the HR policies would be something that IBM would
22 expect you to follow?

23 A Yes.

24 Q Other than that, your team, your creative
25 energies, your education, your backgrounds, you're

18

1 supposed to as a team manage that and do that sort of
2 on yourself, I mean, under your own like guidance and
3 direction?

4 A With my immediate managers' understanding and
5 blessing, sure.

6 Q Yeah. You have more freedom, discretion, if
7 you will, to go out and, say, do your job, do what your
8 team is hired to do, right, on that side?

9 A Yes.

10 Q Now, with respect to these HR policies, are
11 they written down anywhere?

12 A All of our HR data is available online.

13 Q Is that available to all employees?

14 A Sure.

15 Q So if you wanted to reference any policy,
16 human resource policy of IBM's, you would just go
17 online and look at it?

18 A I would.

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19 Q How are any policy changes then communicated
20 to you? By that I mean HR policies. Let's just stay
21 focused there.

22 A Well, clearly, there would be an
23 announcement -- there would be a general announcement
24 to manager teams if there was any major change to any
25 one policy, but, secondly, the online document is the

19

1 most current.

2 Q When was the last general announcement of a
3 change that you recall?

4 A I don't really have a clear recollection of a
5 major change.

6 Q So you don't recall when in the last five
7 years?

8 A Possibly in the last five years.

9 Q How about in the last year?

10 A I don't recall anything in the last year.

11 Q Last three years?

12 A I'll stay with my five-year answer. If I knew
13 one, I would tell you.

14 Q I understand. I was just -- as lawyers, we
15 like to be particular sometimes.

16 A I rely on the online document if I have a need
17 to reference anything.

18 Q Just out of curiosity, what is the last
19 general announcement you recall of any change in HR
20 policy? If you don't recall, that's fine, too.

21 A I believe the last one I recall would be a

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22 change in our vacation policy, how it's accrued, et
23 cetera.
24 Q I'm going to switch gears and go back to
25 having you describe what your responsibilities were

20

1 when you were a team lead, do you remember, where you
2 were a team lead for six to eight months.
3 A Team lead role is a supervisory role between
4 the employee and the management. It's an advice and
5 counsel type of position.
6 Q So what would you do in that role?
7 A A for instance would be a difficult client on
8 the phone with a rep that needed help to control the
9 situation, is a major role for a team lead. A question
10 maybe about how to handle a customer's situation would
11 be a role for a team lead.
12 Q Now, for your call center and your tech
13 employees, many of their situations are handled via --
14 I don't know if you call it a script, a preset Q and A:
15 If the client on the phone says this, the document
16 tells, you know --
17 A No. That's not true in our case.
18 Q That's not true in your case?
19 A No. We don't work on a script level.
20 Q Okay. How do you guys --
21 A We have professional technically trained
22 people that work every problem as a unique problem.
23 Q There isn't a script on this is how to answer
24 the phone?

25 A 1112081ambousis-cp
 We have a script that says thank you for

21

1 calling IBM, my name is, yes. To that extent, we have
2 a script.

3 Q But after you get beyond or into a particular
4 problem -- or when does the script stop?

5 A When it's appropriate to stop. Truly, our
6 script is our -- the way we answer the phone and the
7 way we close a call. Within the rest of that
8 conversation, it's freelance. All problems are
9 different, and so we don't -- we can't script it
10 because you couldn't.

11 Q Okay. At what point does your team or member
12 of your team become the recipient of the telephone call
13 for a problem?

14 A In the case of System X, a client calls
15 1-800-IBM-SERV, and if they put their four-digit,
16 machine type in the VRU correctly, they come directly
17 to my team, which is different from other support
18 centers.

19 Q Yeah. It's different from almost any other
20 system, right?

21 A Yes.

22 Q Do most members of your team have significant
23 experience within IBM and System X before they can get
24 hired on?

25 A I have all ranges of seniority on that team,

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1 quite frankly. I have people brand new within the last
2 90 days all the way up through people with as much time
3 as myself.

4 Q So you can literally get onto your team as an
5 entry level?

6 A I have contractors on my team. Therefore,
7 yes, the answer is yes.

8 Q As a team lead -- and you described sort of
9 the liaison between the employee and management -- do
10 you have some HR responsibilities there, too, as a team
11 lead?

12 A No.

13 Q It's specifically the client assistance side?

14 A Technical guidance, process guidance,
15 adherence to our processes, those kinds of things.

16 Q Now, the problems each client may have within
17 system X -- correct me if I'm wrong -- you described
18 them as unique, but can they be clustered together and
19 you have kind of common themes or problems that emerge?

20 A Yeah, we have -- we certainly have common
21 types of failures within certain product sets, yes, and
22 we have databases to search in.

23 Q And those databases, are those the tools?

24 A That would be some of the tools.

25 Q Some of the tools. As you see common problems

23

1 develop, do you inform all the team members, A, here's
2 a common problem, B, here's how we recommend you

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3 address it?

4 A In some cases, my team may do that. In other
5 cases, the brand would do that, the brand being System
6 X. The engineers and developers that develop the
7 product and support the product are really responsible
8 to document that data.

9 Q But if they haven't documented --

10 A Surely, we come across things ourselves that
11 we document on our own Web pages to get the word out to
12 everybody, make it available. We don't want to
13 reinvent a wheel if we don't have to.

14 Q Right. Nobody wants to reinvent a wheel.

15 Now, you talked about, was it procedural --
16 procedures, adherence to procedures?

17 A Yes. As a team lead responsibility?

18 Q Yes.

19 A Yes.

20 Q What procedures?

21 A There are many. I'd be willing to give you an
22 example or two, if that's what you're looking for.

23 Q Why don't you give me at least three examples.

24 A One very important one would be a previous
25 case search. The first thing we would do with that

24

1 client call would be to look and make sure we haven't
2 had a problem on that machine in the recent past.
3 That's paramount. So that would be one.

4 Another process is -- that's very important to
5 the business is parts launch and CRU. It's a very

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6 sophisticated system of moving parts from where they
7 are in IBM to the client to resolve problems. The
8 process has to be followed correctly in order to meet
9 the needs of the client. Those would be two major
10 ones.

11 Q And for that, is it your own team or your own
12 group that has these procedures you've developed for
13 it, or is it for each -- I mean, is it your own group
14 that's developed these procedures?

15 A Many of the procedures were developed
16 specifically for System X and the Smart Center.

17 Q And when you say "were developed," did you
18 develop them or were they developed by IBM in general,
19 then passed down to you?

20 A The ones that's specific for System X, I would
21 say I probably had most of the influence to those.

22 Q I've noticed in many, many of these
23 documents -- I'm going to shift gears a little bit
24 here -- I've come across acronyms, names and things I
25 don't quite understand.

0

25

1 A We're a company of acronyms.

2 Q This is not a test or anything. I'm just
3 going to have you help me understand things, and if I
4 give you an acronym, if you can --

5 A If I know it, I'll tell you.

6 Q That's perfect. IMBPD?

7 A I don't know what that stands for, but I do
8 think it's a division within IBM.

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9 Q Are you within that division, do you know,
10 your group?

11 A I'm not.

12 Q Then MBPD?

13 A I don't recognize that one at all.

14 Q CRM?

15 A CRM, I don't -- I mean, that's not an
16 IBM-unique acronym. CRM is Customer Relationship
17 Management, is what I understand it to be.

18 Q That's perfect. I don't intend these to
19 necessarily be IBM unique. They just appear in many of
20 the documents IBM has produced in this case.

21 A Okay.

22 Q CMS Agent Group?

23 A I'm a little familiar with CMS. It's not the
24 tool that I use on my team. I believe it's used on
25 other parts of remote support.

0

26

1 Q CMS is a tool?

2 A I believe it's a tool.

3 Q US Work Force Management?

4 A I don't know what that means.

5 Q How about America's BTO/CRM Customer Contact
6 Centers?

7 A I would know that to be the individuals that
8 are on the fifth floor in my building and many other
9 places.

10 Q WFM?

11 A Sounds like a radio station.

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- 12 Q It does to me, too.
- 13 A Beyond that, I'm sorry.
- 14 Q US Resource Planning?
- 15 A It's kind of intuitive. I don't know exactly
- 16 what it is. Maybe -- it might be our people in Raleigh
- 17 that do our resume, you know, job posting kind of
- 18 stuff.
- 19 Q I think I figured out yesterday SCET, Software
- 20 Customer Entitlement Team?
- 21 A It sounds close, sounds what it could be.
- 22 Q Do you know what a DOR is?
- 23 A I don't.
- 24 Q Do you know what PMR process error is?
- 25 A I know what PMR is.

□

27

- 1 Q Okay, PMR.
- 2 A PMR is a call record, one of the tools that
- 3 are used to document client problems.
- 4 Q And the PMR, if I understand it correctly, for
- 5 every specific problem that PMR moves from call center
- 6 to call center or from like technical support back to
- 7 sales where you all sort of --
- 8 A No. I think --
- 9 Q -- include your input?
- 10 A -- you've been a little misinformed there.
- 11 Q Okay.
- 12 A Sales certainly don't use RETAIN/PMRs.
- 13 Q Okay.
- 14 A Some support centers do use RETAIN as their

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15 call management tool. I don't. System X doesn't. So
16 another support center with a PMR couldn't move that
17 PMR to me because we don't use that tool. So in that
18 respect, you didn't have it quite right. It is a call
19 management tool.

20 Q It is a call management tool?

21 A (Nods head affirmatively.)

22 Q Do people include like notes about a call?

23 A Absolutely.

24 Q And, say, a resolution about a call or plans
25 for what research to do next on this issue?

□

28

1 A Any and all of that would probably be included
2 in a PMR, yes.

3 Q Okay. What is System I?

4 A System I is another platform of machines.
5 They used to be called AS 400, which is what I remember
6 it to be. Now they're System I. It's just another
7 family of machines.

8 Q And System P?

9 A Another family of machines.

10 Q And System Z?

11 A Another family of machines.

12 Q I came across something Tivoli, T-I-V-O-L-I?

13 A Tivoli is software, a company that we actually
14 bought. But it's a software product, not a hardware
15 product.

16 Q I guess you provide technical and customer
17 support for it as well then?

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18 A There is someplace --
19 Q Not your group?
20 A Somewhere in IBM, there is, yes, support for
21 Tivoli.
22 Q Rational?
23 A I'm not familiar with Rational.
24 Q IM, I assume, whenever I see that, I'm just
25 guessing instant messaging, but that may be --

□

29

1 A That's what it would mean to me.
2 Q AIM?
3 A AIM is a tool out on the web world for instant
4 messaging. I use it.
5 Q RSS?
6 A No. RSSCC, but not RSS.
7 MR. WALTON: Do you want to take like a
8 five-minute break.
9 (A recess was taken from 9:50 to 9:55 a.m.)
10 BY MR. WALTON:
11 Q Now, you provide technical support, your
12 group, right, for System X?
13 A Yes.
14 Q Does a different group at IBM provide other
15 kinds of support for the same system?
16 A No.
17 Q Are there other kinds of support that IBM
18 provides to customers or clients?
19 A There's multiple support centers within IBM.
20 Q Can you describe the different kinds for me?

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21 A well, I think you took yourself down that list
22 when you read Z, P and I. You mentioned Tivoli, which
23 would be on the software side of the business. I can't
24 tell you more than that. But, I mean, we support
25 whatever our client needs us to support, I'm sure.

□

30

1 Q So for each of those products I mentioned,
2 there would be a different group dedicated to
3 supporting it?

4 MR. RAY: Objection to the extent it
5 calls for speculation.

6 But certainly you can answer.

7 A (By the witness) Could you ask me again?

8 Q Yeah. For System I, System P, System Z,
9 Tivoli, for each of those products or product groups,
10 right, there would be a support center within IBM for
11 it?

12 MR. RAY: Same objection to the extent
13 it calls for speculation.

14 But you can answer, if you can.

15 A (By the witness) The extent of my knowledge
16 of it, the answer would be yes, but I don't know if
17 it's limited to those specific products by themselves.
18 I don't know enough about it.

19 Q Right. I started trying to ask you, you do
20 technical support. What happens if somebody has a
21 question about, say, contractual arrangements?

22 A Well, if they called us, they would be calling
23 the wrong place. We would want to transfer them to

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24 wherever they really needed to be if they got us in
25 error.

□

31

1 Q Are there other kinds of support within the
2 IBM -- correct me if I'm wrong. You guys focus on the
3 technical support for a client. Is there also, say, a
4 customer relations support of some sort or contractual,
5 as I've heard, entitlement support?

6 A Entitlement is clearly a support center, if
7 you will. We have some interaction with that team from
8 time to time.

9 Q And then are there other kinds of support
10 centers, if you know?

11 A I would clearly state that I know and realize
12 there are hardware support centers and there are
13 software support centers.

14 Q Okay.

15 A And that's probably all I want to speculate
16 on. I know those for a fact.

17 Q There are hardware and software support
18 centers?

19 A Right.

20 Q And that's a line that IBM sort of -- a
21 demarcation line for the kind of support centers?

22 A I don't know if it's a demarcation line. It's
23 a --

24 Q Distinction?

25 A It's a difference in technology that requires

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32

1 different levels of skills, different types of skills.

2 Q And would there also be a laptop kind of
3 support?

4 A There is a laptop support center.

5 Q Okay. Do you know where that or a laptop
6 support center is?

7 A There's one in Sterling Pointe in Atlanta.

8 Q Do you know where there are other kinds of
9 hardware support centers?

10 A I know of some geographically, yeah.

11 Q Which ones?

12 A Well, we could start right here in Atlanta.

13 Q Okay.

14 A I know there's a small center in Charlotte,
15 Raleigh, North Carolina, have some people in a team in
16 Poughkeepsie that I'm aware of in New York, clearly in
17 Dallas, Austin, Rochester, Minnesota, Tucson, Arizona,
18 San Jose, California. That's the ones that I have
19 personal knowledge of.

20 Q And with technical support for System X, do
21 you have people employed there 24 hours a day?

22 A Yes.

23 Q So somebody in Beijing, for example, with a
24 Blade server, they're going to try to reach you here?

25 A No. My center supports North America.

33

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1 Q North America only?

2 A Yes.

3 Q And that person with the Blade server in

4 China, they would be trying to reach somebody at a

5 different support center?

6 A A team similar to mine in a different

7 geography, that's correct.

8 Q Is that the same for these other kinds of

9 support centers that you know about? Are they limited

10 to serving or supporting North America?

11 A Some that I know about, the answer would be

12 yes. I can't speak to all of them.

13 Q Yeah. I'm not asking you to speak for all of

14 them, the ones that you know about.

15 A In most cases, IBM is structured such that

16 there's support centers within the countries and

17 geographies around the country.

18 Q So there's support centers in --

19 A There's language barriers and things like that

20 that require that.

21 Q How long has Vicki Reidy been the person you

22 report to?

23 A Presently, I think it's been two years,

24 two-plus years.

25 Q Who was it before Vicki?

34

1 A Roy Ovesen, I believe.

2 Q And how long was Roy in that position?

3 A Similarly, two, three years maybe.

4 Q Is Roy still with the company?
5 A I believe he -- he retired, and I believe he
6 has come back, yes. I think so.
7 Q Do you happen to know where?
8 A I don't know what he's doing.
9 Q Now, where is physically -- you're on the
10 ninth floor, right, at Riveredge?
11 A Right.
12 Q Where is your office located on the ninth
13 floor?
14 A I'm in an office that's on an outside wall
15 looking out through the windows. The rest of the floor
16 is structured in cubicles.
17 MR. WALTON: Can we go off the record
18 for a second?
19 (A discussion ensued off the record.)
20 (Plaintiff's Exhibit No. 2 was marked.)
21 BY MR. WALTON:
22 Q I've handed you what's now been marked Exhibit
23 2.
24 A Okay.
25 Q Can you describe for me what this is?

0

35

1 A It's a very archaic floor plan of the ninth
2 floor, 1500 Riveredge.
3 Q And you've put on here -- why don't you
4 describe for the record --
5 A I think the question was where is my office.
6 Q Correct.

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7 A And then you asked me to draw this.
8 Q Yes.
9 A My office is right here.
10 Q There's an arrow pointing up to your office.
11 Where is the elevator bank?
12 A Right in the center here.
13 Q Do you have to badge in to get into the ninth
14 floor?
15 A You do.
16 Q Where do you badge in?
17 A There is one, two, three doors that you can
18 badge in. There's a little hallway here. The
19 bathrooms are here, and there's three badge doors.
20 Q Is there a break room on the ninth floor?
21 A Yes.
22 Q Where is the break room located?
23 A The break room is like over here. It's part
24 of this center core.
25 Q Can you put a B in the middle there or

36

1 something that we can identify it?
2 A (Witness writing on exhibit.)
3 Q Thank you. When you badge in, does it
4 record -- is the time somebody records badging in kept
5 by IBM anywhere?
6 A If so, it would have to be the IT people, the
7 people that, you know, own our tools and manage our
8 tools within the building, I suppose.
9 Q They would be the ones that might know that,

10 would answer that? 1112081ambousis-cp

11 A (Nods head affirmatively.)

12 Q And then in the remainder of the open area, is
13 that -- what is that? Is it going to be cubicles?

14 A It's all high wall cubicles.

15 Q And high wall, how high are the walls?

16 A About my height, about 5-7, 5-8 maybe.

17 Q For many people who --

18 A Can't see over them. I have a hard time
19 seeing over top of them.

20 Q Even standing up?

21 A On my tiptoes, I can kind of glance over top
22 of them.

23 Q Okay. And the cubicles themselves, how big
24 are they?

25 A I would be guessing, typical cubicle, 48

□

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1 square feet sounds familiar to me, floor space.

2 Q Okay. But are they all uniform? I mean, are
3 they all the same, the cubicles?

4 A For the most part. There are a few that are
5 on end rows and that are designated to be team lead
6 cubicles that are a little bit different in
7 configuration, if you will.

8 Q And are the team lead cubicles a little bigger
9 or just different in configuration?

10 A I don't think they're bigger. I think they're
11 just a little different in configuration. There's a
12 window that's in one of those six-foot panels that I

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13 was talking about versus not having a piece of glass.
14 I believe they're offset a little bit in the hallway.
15 Q I heard yesterday about limitations on the
16 number of coffee pots now on the floor. Do you have a
17 limitation on the coffee pots on your floor?
18 A The limitation is we don't have personal
19 coffee pots on the floor. That's always been the real
20 estate rule. We have a break room where we have a
21 commercial coffee maker that we provide for our reps.
22 Q Is there another coffee pot on the floor
23 anywhere other than the break room?
24 A Not that I know of.
25 Q Okay. What hours do you work?

□

38

1 A Generally, I'm there during the day, daylight
2 hours, 7:00 to 5:00 or 6:00, 8:00 to whenever. I don't
3 really have a specific -- I'm exempt. I --
4 Q Right. I mean, I understand you're exempt.
5 A Generally, I'm there during what we would
6 consider to be your traditional first shift.
7 Q And what are the hours of the first shift?
8 A On my team, there are many different start
9 times, shift times. So there's nothing traditional
10 about it. I only said that because I thought you would
11 understand it.
12 Q I have seen it in the documents.
13 A We have start times that start almost every
14 hour, every half hour. Particularly in the mornings,
15 we have every quarter hour.

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16 Q You have start times every quarter hour in the
17 morning?

18 A In many cases.

19 Q Why do you have different start times?

20 A To meet the needs of our clients. The call,
21 the inbound call patterns dictate when I staff people
22 on the floor.

23 Q Is it -- what variable makes it the single
24 largest determination, is the determining factor? Is
25 it the volume of calls?

□

39

1 A volume of calls.

2 Q So the higher the volume of calls, the more
3 people that are needed to be staffed?

4 A Yeah.

5 Q Is there a particular reason why you stagger
6 them perhaps 15 minutes in the morning apart?

7 A Again, I align it as closely as possible with
8 inbound call patterns.

9 Q I was wondering if it was like maybe a traffic
10 pattern, too much congestion or anything like that.
11 Just strictly on the client calls?

12 A That wasn't in the thought process. It's
13 strictly inbound call patterns.

14 Q Okay. How many hours a day do the nonexempt
15 call center employees of yours work?

16 A They are scheduled to be on site for nine
17 hours, an hour which is unpaid lunch.

18 Q Is there a later shift other than the morning

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19 shift?

20 A Yeah. I have noon start times. I have 3:00
21 p.m. start times, 9:00 p.m. start times, 11:00 p.m., so
22 a multitude of different start times.

23 Q Throughout the day?

24 A Throughout the day.

25 Q And evidently well into the night?

40

1 A When you get the third shift, at that point,
2 everybody is there and working. I don't stagger
3 through the night, no, because the call patterns don't
4 go that way.

5 Q So third shift being what start time for you?

6 A Historically, third shift is considered 9:00
7 p.m. or later.

8 Q And still the third shift is still a nine-hour
9 shift, typically?

10 A I have some of both. I have some 10-hour,
11 four-day-a-week people on third shift, and I have some
12 five eight-hour shifts.

13 Q Is that true for all your employees? You have
14 some that are going to be the four 10-hour shifts?

15 A That's recently true.

16 Q None of your nonexempt employees are scheduled
17 to work more than 40 hours a week, typically?

18 A Typically.

19 Q There may --

20 A There are times when they're scheduled
21 overtime.

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22 Q Right. There are times -- I understand
23 there's going to be scheduled overtime?
24 A Right.
25 Q But in general, they're going to be scheduling

□

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1 them at the 40 hour a week?
2 A That's correct.
3 Q And you said recently you've gone to
4 throughout the day some people having the four-day
5 10-hour shifts?
6 A Right.
7 Q When did that change occur?
8 A I think we implemented it about six weeks ago,
9 give or take. It was an effort to relieve folks on a
10 voluntary basis of \$4 a gallon gasoline.
11 Q It was in response to the high gas prices that
12 we just --
13 A Prior to that, the only four 10-hour day
14 shifts I had were those people that voluntarily were
15 working third shift.
16 Q Out of curiosity, has gas prices dropped
17 significantly now here?
18 A It's \$2 now or even less. It's below \$2 right
19 now.
20 Q Are some of your employees still interested in
21 maintaining their four-day?
22 A Some have. Some have already opted back off
23 of it.
24 Q But that's an employee-by-employee decision

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25 for you?

□

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1 A well, driven by what was going on with
2 gasoline, et cetera, yeah. I mean, that's not ever
3 been a thought process in my center prior to that
4 issue.

5 Q Okay. Now, how does IBM keep track of their
6 call center employees' work time?

7 A Actually, the employee keeps track of his work
8 time through a tool that's part of IBM's tools.

9 Q Which tool?

10 A eTOTALS.

11 Q And how does that work?

12 A It's just an online tool that you log into,
13 brings you personally up. If you have a fixed
14 schedule, the schedule is fixed in there. If you have
15 incurred overtime, you record the overtime there on the
16 day it was worked, and then it goes -- it's submitted
17 electronically, and it routes to that person's manager.

18 Q Let me just go back. When the employee pulls
19 it up, it pulls up their existing schedule?

20 A Yes.

21 Q Whatever numbers are in there are
22 preprogrammed default numbers of that existing
23 schedule?

24 A Most people have that in there, that's true.

25 Q And then if they work hours different from

□

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1 that schedule, the employee makes changes on that
2 eTOTALS?

3 A Yes.

4 Q Now, is it as simple as clicking a button and
5 me typing in the additional time I worked, if I work
6 additional time?

7 A Yeah. It's pretty simple. You would tab over
8 to the day in question. Then there's a group of
9 circumstances, one of which says overtime. So you
10 would put a splat there. Then it would pop a window up
11 and let you put the time, the actual time that you
12 worked in there.

13 Q You said there's a group of circumstances.
14 What other circumstances are listed?

15 A Things like illness.

16 Q Okay.

17 A Leave of absence. There's a lot of different
18 things in there, most of which, you know, rarely come
19 into play. I would say illness and overtime are the
20 two major uses within that tool.

21 Q Okay. Then after I make those changes, I
22 presume there's a button to hit save, and I save
23 changes of some sort?

24 A Submit.

25 Q Submit?

44

1 A Yeah.

2 Q Where does the submission go?

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3 A If there's -- if there is an exception on
4 there, something other than the standard 40-hour work
5 week, it routes to the assigned manager.

6 Q Does that mean it's routed to you?

7 A It's routed to the manager of record for that
8 employee. So the ten team leads we talked about
9 before, their time cards would come to me.

10 Q Okay. And the people underneath them, the
11 time cards would go to those ten leads?

12 A No. Every IBM employee in System X has an IBM
13 manager.

14 Q Okay.

15 A So there are two other managers beside myself
16 within system X.

17 Q Who are those two?

18 A Juanita Carver and Steve Coy.

19 Q How long have those two been in their
20 management positions under system X?

21 A Steve's been there about a year, I believe.
22 Juanita's been there three, four years. I don't know.

23 Q And who was it before Steve?

24 A Maybe Ed Lewis for a period of time. I'm
25 trying to remember.

45

1 Q Was Ed Lewis the manager for only a short
2 period of time?

3 A Yeah. I think he was on a -- he took a family
4 leave of absence or something, was out for a couple of
5 years or something. So there's been some changes. I'm
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6 not saying that there's always been two other managers
7 beside myself at any given point in time. So for the
8 most part, that's the way we are set up now.

9 Q You've got two now in addition to yourself?

10 A Right.

11 Q Two managers in addition to yourself?

12 A For System X.

13 Q For System X, right?

14 A Right.

15 Q And it sounds as though that maybe within the
16 last four years, there's been times where it's been you
17 and Juanita that have been the managers for System X?

18 A A couple of short periods of time, yes. I
19 think Juanita and I shared some of those employees,
20 that's true.

21 Q And then other times there's been Juanita and
22 Mr. Coy in addition to yourself as managers?

23 A Yes.

24 Q And then at other times, there was Ed Lewis
25 and Juanita and yourself as the managers for System X?

□

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1 A Yes, I believe that's correct.

2 Q And that's going back, now, probably four
3 years?

4 A Yeah. I think, you know, to the best of my
5 recollection, that would be correct.

6 Q And what started this was I was just trying to
7 understand where the eTOTALS or the time cards --

8 A I understand.

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9 Q Okay. Do you know what a comparison report
10 is?

11 A Not by that name, no.

12 MR. WALTON: Can you mark this as
13 Exhibit 3?

14 (Plaintiff's Exhibit No. 3 was marked.)

15 BY MR. WALTON:

16 Q I'm handing you what's been marked as
17 Plaintiff's Exhibit 3. It's also Plaintiff's 423,
18 Bates numbers. Do you recognize something like that?

19 A No. I don't use anything that looks like
20 this. Well, I use -- I have a report -- I'll change my
21 answer to I have a report that provides me similar data
22 than what I think I'm looking at here. How's that?

23 Q That's fine. What do you call your report?

24 A Log-in/log-out.

25 Q Your log-in/log-out report, what does that

□

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1 provide you? I mean, what information, what data does
2 your log-in/log-out report provide?

3 A It provides employee -- employee's name,
4 obviously, the time they logged in for that day, the
5 time they logged out for that day, and also the amount
6 of time that they were in lunch and break. Codes on
7 their telephone totals that time for me.

8 Q All right. And how frequently is your
9 log-in/log-out report generated or do you generate it?

10 A I don't generate it, but I get it -- I receive
11 it daily.

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12 Q Are there other managers in System X that
13 receive that same report?

14 A I believe so, yes.

15 Q Today would that include Juanita and Mr. Coy?

16 A Sure.

17 Q Are there other managers in addition to
18 those -- to the three of you that would receive that
19 same log-in/log-out report?

20 A I'm not sure, don't think so. Well -- I don't
21 know.

22 Q I'm not sure if I asked this. Do IBM
23 employees have to badge in to get into the building?

24 A They do if it's early hours. There's been a
25 change since we got a commercial customer in our

□

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1 building. So the answer is if it's after, I believe,
2 7:00 a.m., they don't have to. They would have to once
3 they got to their individual floor, but not through the
4 lobby where there is, in fact, a badge reader. The
5 hours when security is not there, those doors are
6 locked, and you do, in fact, have to badge in.

7 Q Now, who provides your customer service reps
8 their training on how to do the job?

9 A My team is partly responsible for their
10 training. The IBM Education Center does a lot of the
11 technical training, and then we have many online
12 self-paced kinds of courses that the employee does
13 themselves. So it's a combination.

14 Q What are the online courses?

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15 A They could be specific to a machine. It could
16 be a course that teaches you how to repair a specific
17 machine.

18 Q Now, let's just look at the training for a
19 second. Is there a mechanism for your employees to
20 record their training time in eTOTALS?

21 A No, in TOTALS, no. It would just be
22 considered time worked.

23 Q Different from any other time worked?

24 A From a time recording point of view, training
25 would be no different than working.

II

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1 Q okay.

2 A Training is working.

3 Q Now, your team provides some of their
4 training, correct?

5 A Yes, parts of my team.

6 Q Parts of your team, not all of your team.
7 what kind of training does some of your team members
8 provide?

9 A Clearly, technical training above and beyond
10 what they may have already gotten from our own
11 education center or online courses, also, unique
12 processes unique to System X, the tools, the processes.
13 If you're new to System X, that would be a major piece
14 of your learning experience.

15 Q Then the IBM Education Center, what kinds of
16 training does it provide to your employees?

17 A It's typically specific hardware repair

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18 training.

19 Q Now, at what point, if ever, are the employees
20 trained on how to enter their time for eTOTALS?

21 A That's part of a new hire orientation.

22 Q Who is it that does that training?

23 A I don't think you could pin that down to any
24 one person. There's been changes in that that I recall
25 through the years.

□

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1 Right now, they have implemented a new two-day
2 class that you go to as a new IBM employee. Prior to
3 that, we were using a thing called a career coach
4 designated in the center to basically convey the same
5 information as this two-day class, but it was done more
6 personal one-on-one. There's been different iterations
7 of how that takes place.

8 Q Okay. Where does the two-day class occur?

9 A All over the country, here in Atlanta. We had
10 somebody here in Atlanta recently that came to the
11 class from Raleigh that we had just recently hired.

12 Q But would the Atlanta -- I'm trying to
13 understand. Would the Atlanta employees, say, ever go
14 to Dallas for the two-day class?

15 A I wouldn't rule it out, no. From an expense
16 point of view, you would try to get a class that was
17 geographically where your employee is, but based on
18 scheduling, et cetera, as I had to bring this young
19 lady from Raleigh to Atlanta, I may have to do that
20 from Atlanta to Dallas or someplace else.

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21 Q And the career coach, who was the last career
22 coach that, I guess, System X had or was it for the
23 Atlanta Riveredge facility?

24 A No. It was for System X.

25 Q Okay.

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1 A The last person we had designated was Lou
2 Mangones, and he has since left the business.

3 Q And that career coach would sit down with each
4 new hire one-on-one, or would it be a group of new
5 hires?

6 A If we hired them --

7 Q Or it could be both?

8 A If they were hired as a group, it could be
9 both. It could be individual, or it could have been
10 more than one.

11 Q And how long would that career coach train
12 them or would this training take?

13 A Because it took place in the conference room
14 right next to my office a couple of times, I recall it
15 being at least, you know, an all-day affair.

16 Q How long was it that you all were using the
17 career coach to train new hires? You described a
18 process --

19 A This two-day class is real new. It's like in
20 the last few months that that became the new status
21 quo.

22 Q And the career coach process lasted?

23 A I think as long as I've been a manager there,
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24 that was the process.

25 Q Nine years?

□

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1 A Yeah, I think.

2 Q At least?

3 A Right.

4 Q How is it that in System X you get to
5 determine how many employees, call center reps you get
6 to have on the floor? Is it a budgetary question? Is
7 it --

8 A Are you assuming that I set my head count?

9 Q Okay. Let's back up. Who sets your head
10 count?

11 A I believe it's done by my boss's boss and his
12 financial guy.

13 Q So you don't get to make that determination, I
14 guess? You may have some input?

15 A I get to participate with input, but I don't
16 have the final decision, no.

17 Q How is it that that decision is made, if you
18 can describe the process and the considerations?

19 MR. RAY: Object to the extent it calls
20 for speculation.

21 But you can certainly answer.

22 A (By the Witness) Well, because I've never
23 actually been there with these individuals to go
24 through the process in its entirety, I don't want to
25 confuse you by guessing.

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1 Q I don't want to be confused either. So I
2 appreciate that. But what is your participatory role?

3 A Clearly, the amount of calls that -- your call
4 volume obviously is a big driver to how many people are
5 required to handle your clients. That's certainly
6 the -- that's the number-one input to that.

7 Q Then that again goes back to the customer
8 first and taking care of the customer?

9 A Well, you have a set of business objectives.
10 It would require a certain number of head counts to
11 make that objective. If you cared about how quickly
12 you answered the phone, then yes.

13 Q Do you get to make the head count
14 determination for the number of like exempt or
15 management people you have on your team?

16 A No.

17 Q That's also a determination made by your
18 superiors?

19 A It's made by them, yes.

20 Q Do you get to make the determination of how
21 many nonexempt call center representatives you have on
22 each shift or how they're scheduled throughout the day?

23 A Yes, I do.

24 Q So you get the head count determination made
25 for you, but you get to make the determination on how

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1 to schedule the number of heads?

2 A Right. That's exactly right.

3 Q Is there a start time policy for your call
4 center representatives?

5 A There's an expectation. I have an expectation
6 for System X that says you need to be at your cubicle,
7 logged on, ready to take a call at your start time.

8 Q Okay. Is your expectation pretty much
9 communicated to your team?

10 A It has been communicated to the team, yes.

11 Q What is required of your employees to meet
12 that expectation?

13 A To power up their workstation, apply their
14 passwords and then enter their five-digit phone ID that
15 logs them into the phone system.

16 Q Say I was one of your employees. How long
17 would that take me to do, to power up, log in?

18 A I've never taken the time to measure it, but
19 my good guesstimate would be it's a four-, five-,
20 six-minute ordeal, based on my own tools.

21 Q Correct me if I'm wrong. I'm going to assume
22 that some days it's quicker than others; some days it's
23 slower, depending on what computer processes are
24 running in the background, or maybe a tool program
25 crashes?

55

1 A I don't think I can assume that.

2 Q Okay. Is it pretty uniform then?

3 A If an application is off line, it's off line.

1112081ambousis-cp
4 You can't get to it, and I can't get to it either. I
5 don't know how else to answer that. I don't think you
6 can assume that the time will vary.

7 Q So your experience is that the time remains
8 pretty consistent?

9 A I would say yes.

10 Q Does everybody on the floor have the same
11 computer processing unit?

12 A No.

13 Q Would the time vary?

14 A The workstation, do they all have identical
15 workstations?

16 Q Right.

17 A The answer is no.

18 Q Do you know if the time would vary depending
19 on somebody's workstation?

20 A You know, I'm not a technical guru anymore.
21 We attempt to have the same speed equipment on the
22 floor. So I would suspect that they would be very
23 similar, but I don't know.

24 Q And is there an end time policy? We were just
25 talking about start time, right?

□

56

1 A Okay. Now you're asking --

2 Q Now I'm asking about like the end time.

3 A Well, I'm going to rephrase it for you and
4 tell you what my expectation is for a stop time.

5 Q That's perfect.

6 A For System X. And that is --

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7 Q Okay. That's what I was trying to ask. So
8 thank you.

9 A -- your schedule is your schedule, unless
10 you're still on the phone with a client or we have
11 calls backed up. If you're on the phone with a client,
12 you finish that work with the client. You record that
13 time. You go home.

14 If you're not on the phone with a client and
15 there aren't any calls or buzzers aren't going off and
16 there's no immediate need for you to be there, before
17 your stop time, shortly before, you power your stuff
18 down and proceed out the door.

19 Q I mean, much in the same way, other than if
20 you're on the phone with the client, it would just be
21 the reverse of what you had to do in the morning:
22 Power down, log off and leave?

23 A Yes, pretty much.

24 Q Then the exception being if you're on the
25 phone with a client, you take care of the client,

□

57

1 record the extra time, and then you do the power down
2 and everything?

3 A Yes.

4 Q I mean, there may be some minor differences
5 here and there?

6 A Pushing the on-off button, which some people
7 do, which would be an immediate time to go off. The
8 answer is yes.

9 Q Do your call center representatives get to

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10 take breaks whenever they want?

11 A For the most part, we have recommended windows
12 of time for breaks and for lunch, because we have to
13 manage again availability to our clients. So depending
14 on when your start time is, we have a window that we
15 would prefer that you work within if possible, but it's
16 not always possible. You get caught on a call with a
17 client. We understand that. So the answer is we have
18 recommendations, but they take the breaks when they
19 take the breaks.

20 Q And --

21 A If they're well outside their window, we may
22 ask that they discuss it or talk to their team lead.
23 Beyond that, it's pretty much the employee's choice.

24 Q Then the hour, it's not preset in stone, if
25 I'm understanding you? It's recommended again, the

□

58

1 hour for lunch, right?

2 A It's not preset. We have a window of time,
3 which typically is four hours after your start time.

4 Q And do you know if that's true for, say, the
5 call center on the fifth floor, if it's the same?

6 A I don't have a clue how they manage their
7 breaks.

8 Q Are you aware of the Department of Labor ever
9 coming and conducting an investigation of wage-and-hour
10 payment and policies ever at IBM Riveredge?

11 A I'm not aware of it.

12 Q What about the State of Georgia?

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13 A I'm not aware of that either.
14 Q Okay. What is -- are you familiar with if I
15 say the word "productivity"?
16 A To the extent of my definition, yeah, I am.
17 Q What is your definition?
18 A It's the way we analyze the amount of work
19 that an employee produces within an eight-hour workday.
20 Q And what are the variables or metrics that go
21 into that measurement for you?
22 A We look at productive and nonproductive codes
23 on the telephone that they can enter. We look at the
24 number of calls taken. A number of factors go into it.
25 There's no expectation that anybody would be 100

□

59

1 percent --
2 Q Productive all the time?
3 A -- productive every day, yes. That's
4 unachievable.
5 Q I mean, do you have a percentage expectation
6 in general?
7 A Yeah. I like to look at about 80 percent from
8 the environment we're in.
9 Q Okay. Is there a report that would
10 specifically identify for me like all of the factors or
11 variables considered?
12 A No. I don't think there's any one report that
13 does that, no. It would have to be a combination of
14 data.
15 Q And what combination of data would that be or

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16 would need to be provided for me to see all of the
17 different variables?

18 A It could be just any number of reports. I
19 mean, there's many different ways to slice things. It
20 would -- obviously, it would have to include reports
21 that came from the telephone switch to include
22 telephone time, as I said. It would have to produce
23 calls that come from our call management tool, which
24 would go towards number of calls taken, so in
25 combination of different ways to look from those two

60

1 basic places.

2 Q What call management tool do you use?

3 A There's a tool called ICPM.

4 Q ICPM?

5 A Yes.

6 Q Do you have a title for the telephone switch
7 report that you were just referencing? Is there
8 something you refer to that as?

9 A I couldn't count the number of reports that
10 are within that tool, if need be. So I don't --

11 Q Is that also an ICPM tool then, or is it a
12 different tool?

13 A The telephone tool would be totally separate
14 from the ICPM tool.

15 Q What's that tool, the telephone tool?

16 A I believe the software is Avaya. Centerview
17 is another name for it.

18 Q I'm sorry. What is that?

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19 A Centerview.

20 Q Does your floor have sponsors? Does that make
21 any sense to you when I ask that question?

22 A No. A sponsor would be somebody, you know,
23 that gives me money to go do something. That's the way
24 I understand sponsor, so, no, I don't. I don't
25 recognize that in any context with work.

61

1 Q Okay. You mentioned Avaya. Is there separate
2 training for the Avaya phone system that new hires are
3 provided?

4 A They give an orientation of how to log on,
5 what the AUX codes are, when to use them, like that.
6 It's a very short process. It's not a lot to it.

7 Q And the AUX codes, if I recollect, are there
8 eight different AUX codes, eight or nine?

9 A There's nine. There's actually -- it's
10 actually ten.

11 Q And that's A-U-X, when we say AUX?

12 A A-U-X, auxiliary codes.

13 Q Auxiliary. Is there a specific AUX code for
14 being available or on your phone?

15 A Avail is avail. On your phone is talk time.

16 Q Okay.

17 A Waiting in avail but waiting on a call is
18 exactly that, and then the AUX codes are anything that
19 would stop you from being eligible to get a live call.

20 Q Right. That's what they're used to track?

21 A Right.

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22 Q Do you have specific expectations or policies
23 as to when an AUX code is used, a specific AUX code, or
24 is that part of the training?

25 A It's part of the training. We have them

□

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1 defined and understand and defined for System X. The
2 system is shared by several different support centers.
3 They can only be defined one way in the switch. So
4 each center has to apply their own definition to them,
5 if you will.

6 Q So each center has the same AUX codes, but
7 each center, so System X, your floor would provide its
8 own interpretation or definition?

9 A In some cases, they're interpreted -- they're
10 set out with a different definition than in another
11 other center.

12 Q Okay. But the AUX codes themselves can't
13 change?

14 A No. It would be -- show up AUX-1 on third
15 floor and on the fifth floor and on my floor, but it
16 could very well have three different definitions.

17 Q Okay.

18 MR. WALTON: Another five-minute break.

19 (A recess was taken from 10:59 to 11:12 a.m.)

20 (Plaintiff's Exhibit No. 4 was marked.)

21 BY MR. WALTON:

22 Q George, I'm handing you what's been marked as
23 Plaintiff's Exhibit 4, also Bates number P347, 348,
24 asking you first can you look it over and tell me what

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25 it is?

63

1 A Parts of it is a note that I sent to the team
2 sometime back, I guess. Parts of it I don't recognize
3 as being from my notes header or my closing, et cetera.

4 Q why don't you tell me what is not part of your
5 notes header or closing.

6 A Page 1, that's just a list of names from a
7 distribution list. That's okay. Then this thing here,
8 forward note from manager in 2005, that's not me. I
9 don't know where that came from. Then there's
10 another -- continuation of the distribution list names.
11 Then it gets to the header of the note. I certainly
12 recognize the note itself.

13 Q Okay.

14 A Then anything below my name here at the
15 bottom --

16 Q Is not part of --

17 A Right.

18 Q If you can go ahead and cross out anything
19 that's not part of something you recognize.

20 A (Witness marking on exhibit.)

21 That's pretty much it, yeah.

22 Q Okay. Thank you. On there, I see the subject
23 is "Reminder."

24 A I see that also.

25 Q As you sit here today, do you know what

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1 prompted you to send this reminder?

2 A I do have a recollection of that.

3 Q And what is that?

4 A I had received several employees from
5 different -- from a different support center, and I had
6 heard rumors on the floor that these particular
7 employees believed that as long as it was no more than
8 15 minutes, you weren't really late.

9 So I had heard that. I don't know who fed it
10 back to me, team leads or whoever, not important. So I
11 was prompted to come back and try to reiterate what my
12 expectation was for being employed on the system X
13 team.

14 Q And that expectation -- correct me if I'm
15 wrong -- being there available to take calls, booted
16 up, ready to go at your start time?

17 A That's correct.

18 Q In there, I note you say, "The call center
19 environment requires strict adherence to the schedule."
20 Do you see that sentence in your note?

21 A I do.

22 Q And what do you mean there?

23 A I mean that the schedule, the start time is
24 what it is. It's important to meeting our clients'
25 expectations to manage to your schedule.

65

1 Q And why is strict adherence important?

2 A Well, again, let's stay in context of this is
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3 me and System X --

4 Q Understood.

5 A -- my team. My team is predominantly a live
6 call team. I think I described to you earlier that
7 clients can come directly to me. They don't stop at
8 dispatch or anyplace else. So it's extremely important
9 to our clients' satisfaction to meet those answer
10 speeds, and we do that by being where we're supposed to
11 be when we're supposed to be there.

12 Q And if people are not following it, then your
13 schedules of how you assign people which shifts, what
14 time to be there and everything, they may not mesh, if
15 you will, with your clients' expectations and needs?

16 A That's correct.

17 Q Now, continuing on down in your note, you
18 write, "I am actively monitoring this policy for
19 adherence." what do you do to actively monitor?

20 A Well, within the confines of the tools that I
21 have available to me, there's a live tool that allows
22 me to watch individual logged-in reps and see what
23 state their telephone is in. It runs real time.
24 That's what I'm referring to here, what I'm talking
25 about here.

□

66

1 Q And what is your live tool called?

2 A It's part of Centerview. It's just another
3 one of the reports that comes off of the Avaya switch.
4 It just happens to run real time.

5 Q Now, what happens when somebody is late? I
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6 mean, is that somehow -- is their pay docked?

7 A I don't believe so. Discussions I've had in
8 our staff meetings, I don't believe that anybody's been
9 docked, if you will, for those lates.

10 Q Correct me if I'm wrong. If somebody is, say,
11 ten minutes late, my understanding, just generally
12 speaking, is that they may stay ten minutes extra?

13 A Somebody might do that on their own. I don't
14 really know. But it's certainly not ever been a
15 requirement.

16 Q But is that something that you're not familiar
17 with?

18 A well, I know of people that have done that.
19 They have told me they have done that: I'm sorry, I
20 was late, and I'm going to stay an extra ten minutes to
21 make it up. It makes no difference because the damage
22 could have been done at your start time, anyway.

23 Q Right. And that's why strict -- that's why
24 adherence is so important, is that you're scheduling
25 them and basing them on the customers' needs; there's a

□

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1 reason for it?

2 A That's right.

3 Q If I'm understanding you, the actual time that
4 they are completely there and available to you is not
5 nearly as important as them being where they're
6 supposed to be when you say they're supposed to be
7 there?

8 A That's another way of saying it, yes.

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9 Q Do you get reports of how much your call
10 center reps are paid on a -- are they paid biweekly,
11 first?

12 A Yes. Do I get reports, I get -- I have access
13 to that data from my own employees.

14 Q Okay. For your own employees, are they, in
15 general, if they have no extra time, is it generally
16 that they're paid for 40 hours every week?

17 A Well, generally, that's true. In the context
18 of just overtime or straight time, that's right.

19 Q So then what happens with the time that, the
20 five -- the four to six minutes, I believe we talked
21 about, boot-up time before they take a call, are your
22 employees paid for that time?

23 A If an employee puts that in eTOTALS, they
24 would be paid for it.

25 Q And if they don't, they're not?

□

68

1 A They won't.

2 Q Now, would that startup time, that five
3 minutes -- let's just call it five minutes for now,
4 okay -- is that five minutes -- if they're paid for an
5 eight-hour day, wouldn't it show up as eight hours and
6 five minutes?

7 A If an employee put it in TOTALS, that's what I
8 would see. If they said five minutes, I would be
9 looking at a time card that said eight hours and five
10 minutes.

11 Q Have you ever seen an employee put in that

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12 boot-up time?

13 A I have seen overtime prior to start times. So
14 I don't -- I can't tell you whether it was overtime for
15 booting or overtime for working or what overtime it
16 was.

17 Q Okay.

18 A We don't -- you know, when you're talking
19 about minutes, we don't get into long conversations
20 with employees about minutes of overtime.

21 Q And for you, you just see it as preschedule
22 overtime?

23 A They're responsible to code the time worked.

24 Q And those codes again, is there a list of
25 those codes in the eTOTALS, right?

□

69

1 A In eTOTALS, it is, yeah.

2 Q But there isn't then an eTOTAL code for just
3 the boot-up time?

4 A Overtime is overtime.

5 Q You and I may understand that. But on the
6 eTOTALS, there isn't a code for just the boot-up time?

7 A Nor should there be. Overtime is overtime.

8 Q Do you see -- I guess that's true for like
9 postschedule time, too? Is there a specific code for
10 being, say, still on the call?

11 A That's overtime. It's overtime assuming you
12 have worked 40 hours that week.

13 Q Right. Up until you hit 40 hours, none of
14 it's overtime?

1112081ambousis-cp

15 A That's true.

16 Q Now, as part of your training, were you ever
17 given training on HR issues for your employees?

18 A Certainly, in management school that we all
19 have to go to -- we call retread school -- some HR
20 topics are part of those educational modules.

21 Q And one of those HR topics, would that include
22 overtime?

23 A You know, I don't recall overtime specifically
24 ever being discussed at the management level. I mean,
25 it's a simple philosophy, in my mind. So I don't know

□

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1 how you would not interpret it. So my answer is no,
2 not in any class that I recall.

3 Q All right. Did you ever have any training on
4 what I'll call off-the-clock work that you recall?

5 A Off-the-clock work?

6 Q Right.

7 A We don't have off-the-clock work unless you're
8 an exempt employee.

9 Q Did you have any training on what is
10 compensable time?

11 A No. I don't recall.

12 MR. WALTON: I'm going to have you mark
13 these two as whatever the next two numbers
14 are.

15 (Plaintiff's Exhibit Nos. 5-6 were marked.)

16 MR. WALTON: I'm going to apologize to
17 you right now for the quality of the copies.

1112081ambousis-cp

18 BY MR. WALTON:

19 Q I have handed you to you what's been marked as
20 Exhibits 5 and 6 to your deposition. Both of these
21 were produced by IBM in discovery to us, and I'll
22 represent to you that they are slides from a PowerPoint
23 presentation for management training.

24 Do either of these exhibits look familiar to
25 you?

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1 A I can't say I've ever seen this, no.

2 Q It wasn't part of whatever HR training you've
3 had as a manager then?

4 A Could have been. It was over ten years ago,
5 but I don't remember it in this context. Obviously, a
6 lot of the words makes sense to me, but I don't
7 recognize this presentation. Particularly, this
8 off-the-clock work, I thought that would have stuck in
9 my mind.

10 Q All right. Are you aware of any studies,
11 audits, examinations, if you will, to determine whether
12 or not your system X call center employees accurately
13 document all their time worked?

14 A I'm not aware of any, no.

15 Q Have you ever asked to conduct such a study or
16 look at that issue?

17 A Me asked --

18 Q Yeah.

19 A No, huh-uh (negative).

20 Q And you're not aware of one being done, if I
Page 64

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21 understood your answer, correct?

22 A No. We've had many business controls audits.

23 I don't know if part of that was within that or not.

24 Q When you say "business control audit," who

25 would have implemented a business control audit?

□

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1 A Corporate.

2 Q Are those business control audits
3 standardized?

4 A I have no idea. I know they exist.

5 Q Do they come around regularly? I mean, do you
6 notice any regularity to when they occur?

7 A No. I haven't seen any regularity.

8 Q When a business control audit is being done,
9 what happens -- how are you notified that it's going to
10 occur?

11 A We're notified via my boss.

12 Q Your boss would send you an e-mail?

13 A Probably.

14 Q Then --

15 A Maybe one would come from even higher than my
16 boss. I don't know. It's been awhile.

17 Q Sorry this is another acronym that I neglected
18 to mention. IBMUS or IBMUS (pronunciation), if I see
19 that, am I understanding that's it's IBM --

20 A That's IBM United States, yes.

21 MR. WALTON: I guess we can mark this.

22 (Plaintiff's Exhibit No. 7 was marked.)

23 BY MR. WALTON:

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24 Q I'm going to hand you what's been marked as
25 Plaintiff's Exhibit 7. It's Bates number IBMSEWA4340.

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1 My question has to do with what's up in that top box
2 there. Do you use any of those manager tools that are
3 referenced there in that top box or is that top box
4 familiar to you?

5 A No. It looks like it's a Lotus Notes team
6 room set up for IMBPD.

7 Q Okay. That was my next question.

8 A I'm just reading what I see.

9 Q Right. What leads you to believe that it's a
10 Lotus Notes?

11 A Because, typically, our team rooms are all
12 Lotus Notes based.

13 Q And within there, there are certain forms, if
14 you will?

15 A I don't know. It says "ToolSuite Team
16 Application." I don't know what that means, quite
17 frankly.

18 Q We had the one e-mail from you, I think. We
19 talked about the note. Do you use any forms or headers
20 like that for your e-mails?

21 A This, like this?

22 Q Yes.

23 A No.

24 Q How do you send out your e-mails then?

25 A Mine have a Lotus Notes, personalized Lotus

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1 Notes header. I don't remember what mine looks like
2 today. We change it periodically. It may have a
3 picture of a desk or something, and then at the bottom,
4 I have a signature line. It includes my name, my
5 title, my phone number, my physical address kind of
6 stuff. The format is there.

7 This is a team room. The box around the team
8 room thing is something I recognize from other team
9 rooms.

10 Q Help me out. What is a team room?

11 A It's a database set up to be jointly used by
12 numbers of people. Therefore, that's why they call it
13 a team room. It could be for any particular business
14 need.

15 Q Does System X have a team room?

16 A No. We do not have a team room for System X.

17 Q Another acronym, PBC?

18 A Personal Business Commitments.

19 Q Those are part of employee reviews,
20 evaluations?

21 A Beginning of the year, you set your commitment
22 to the business. At the end of the year, it's
23 evaluated as to your execution to those commitments.

24 Q Do you have a PBC as well?

25 A I do.

75

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1 Q How are you paid? Salary and bonus?

2 A I wouldn't call it bonus. I think the last

3 classification for it was variable pay, is the last one

4 I remember.

5 Q So there's a salary, an annual salary

6 component?

7 A Yes.

8 Q And a variable pay component?

9 A There's no guarantee that there is, but based

10 on IBM's execution and financial execution, there may

11 or may not be a companywide payout.

12 Q On that IBM component or the variable pay

13 component, however you want to term it, what factors

14 are considered in whether or not you would receive a

15 payout from that?

16 A Whether or not you would receive one, the

17 basis, if there's going to be one --

18 Q Yeah.

19 A -- there is a threshold in your performance

20 rating for that year. It's been stipulated the last

21 few years that a 2 appraised person or below was not

22 eligible for any participation in the program, if it

23 exists that year. It's a year to year, based on IBM's

24 financial --

25 Q Right. I'm not going to ask too much about

□

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1 like what criteria goes into whether or not IBM does it

2 in the first place, okay. But an appraisal of 2 to

3 make someone eligible for it, where would I find that

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4 evaluation? where would I find a 2 showing up?
5 A In the person's PBC evaluation.
6 Q Okay. what different number grades can an
7 employee receive?
8 A In today's world -- ask me tomorrow, it could
9 be changed -- 1, 2-plus, 2, 3 and 4.
10 Q So it's 1 through 4 or is there a 2 plus 2?
11 A 1, 2-plus, 2, 3 and 4.
12 Q What's the difference between a 2 and a
13 2-plus?
14 A Higher execution level than a 2.
15 Q So --
16 A More value to the business for a 2.
17 Q Would a 2-plus be eligible for the variable
18 pay component?
19 A In last year's plan, yes.
20 Q Let's only talk about -- I guess this year's
21 plan hasn't been --
22 A We don't know --
23 Q We don't know yet until --
24 A When we talk about '09, we don't know what
25 that is yet.

□

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1 Q Until fiscal year end, and everything's
2 decided, right?
3 A (Nods head affirmatively.)
4 Q But on the last year's plan, a 2-plus would
5 have been eligible, and a 2 was not eligible?
6 A No. Actually, I think a 2 in last year's plan

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7 was eligible to.
8 Q So it was only the 1s that were not eligible?
9 A No. The 1s are -- 1 is the highest.
10 Q Oh, 1 is the highest?
11 A -- rating that you can achieve. 3s and 4s
12 were definitely -- would not be eligible to
13 participate.
14 Q Thank you. I had it backwards. So the 3s and
15 4s were not eligible for any?
16 A That's correct.
17 Q And there is no 5, right?
18 A No.
19 Q Who is Ulysses Crespo?
20 A He's a member of my Level 2 highly technical
21 team.
22 Q I was just looking at -- going back to your
23 e-mail that we have as one of the exhibits, it lists an
24 Nashville e-mail address?
25 A That's where he was prior to coming to work

□

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1 for me, I believe.
2 Q Okay. And there's an e-mail address with
3 S-T-O-W-E-R-S, Stowers@BellSouth.net.
4 A He's a manager for one of our vendor supplier
5 companies.
6 Q Why is it he's on your e-mail or this e-mail?
7 A The way we manage -- the way we manage our
8 contract relations is to not directly correspond with
9 their employees.

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10 Q But correspond with their managers?
11 A So information like that that we want them to
12 have, we provide to their management for their
13 management to in turn pass on to their employees.
14 Q Is it your expectation that this manager would
15 pass on that information to the employee?
16 A Absolutely.
17 Q Then there's David W. I-H-R-I-G, Ihrig, Jr.?
18 A David Ihrig, yes.
19 Q It has a Cleveland e-mail address?
20 A He was a CE in Cleveland, Ohio, before he came
21 down to work for us, yes.
22 Q Okay. Then there was an Arthur Bauer in
23 Fishkill?
24 A I didn't recognize that name. I have no
25 recollection of Arthur.

□

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1 Q That's all right. This was a 2005 e-mail,
2 correct?
3 A (Indicating).
4 Q Have you ever had an employee come to you or
5 report to you that they didn't think they were getting
6 paid for all their hours?
7 A Don't recall ever having that conversation
8 with anyone.
9 Q Not even any other managers?
10 A No.
11 Q Have you ever done a study of -- I guess we
12 called it or you referenced it as nonproductive time?

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13 A In the course of running this business, I
14 certainly look at, you know, data that shows me that
15 kind of stuff, yeah.

16 Q Do you look at it from -- I guess it's a bad
17 question. But do you look at it from a year-by-year
18 basis, or is it more of a continuation of your
19 examining those reports, or is it even a combination?

20 A Most of what I do is real time rolled up to
21 weekly, rolled up to period, rolled up to monthly,
22 rolled up to year to date. That's the total picture.
23 So I can look at things from daily on up.

24 Q And you make adjustments, I take it given from
25 what you described, more on a real-time or, say,

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1 on-the-fly basis as needed?

2 A Some adjustments to parts of the business,
3 yeah, are frequent, if you will.

4 Q When you see something that needs addressing,
5 I take it you take steps to address it?

6 A That's correct.

7 Q And sometimes the picture may not emerge for,
8 say, a month or something even after you may have some
9 of the data available to you on a real-time basis?

10 A I may choose to delay making a change until
11 I'm confident with what I think the numbers are telling
12 me.

13 Q And it's at that point when you feel confident
14 that the numbers are showing something that needs
15 addressing that you make an implementation or start the

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16 process for making changes?

17 A Yes.

18 MR. WALTON: Let me just go through
19 this, but we may be -- we can go off the
20 record.

21 (A discussion ensued off the record.)

22 BY MR. WALTON:

23 Q The Avaya system is the phone system?

24 A It's an Avaya brand switch, yeah.

25 Q Okay. Have there ever been any problems with

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1 the Avaya system coming up slowly or going down?

2 A The Avaya -- our phone switch has gone down a
3 few times through the years that I recall, but
4 there's -- in the context of what you just asked me,
5 I'm not sure I understand what you're getting at.

6 Q Booting up slowly, the tool itself being --

7 A Centerview has nothing to do with time for a
8 rep. You simply put five digits in your keypad, and
9 that's -- you're logged in. If it was down, you
10 wouldn't be logged in, nor would anybody else, and we
11 would be having problems.

12 Q Clearly, if it's down, you're having problems.

13 A I've never -- I've never known anybody to talk
14 about a delay in trying to log onto their telephone.

15 Q I apologize if I'm not using your terminology
16 exactly.

17 A I just want to make sure I answer your
18 question.

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19 Q I appreciate that.
20 MR. WALTON: I don't think I have any
21 more questions for you. I appreciate your
22 time.
23 MR. RAY: I've got just a couple to
24 follow up.
25 / / /

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1 EXAMINATION
2 BY MR. RAY:
3 Q Mr. Lambousis, you were asked about what the
4 System X, I guess, call center techs have to do to
5 prepare for their day. I think you said they had to
6 power up, enter any password they needed to enter and
7 also log into the phone; is that correct?
8 A Yes.
9 Q And is there -- have you ever expressed an
10 expectation to the System X team with respect to the
11 sequence that those activities should take?
12 A No. We don't give any direction on the
13 sequence.
14 Q Does it matter, for example, they log into the
15 phone first and then log into the computer?
16 A It makes no difference.
17 Q You also talked about the ten, I believe, team
18 leads that report to you?
19 A Okay.
20 Q Is that correct, do you have ten team leads?
21 A Ten, yes.

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22 Q Any other direct reports?
23 A I have three others.
24 Q And who are they?
25 A Bud Burke, Billy Landrum and Rod Pruner.

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1 Q Do any of those three work the phones a
2 majority of their time, taking calls, et cetera?
3 A They do not. They're support people.
4 Q You also talked about the log-in/log-out
5 report. Is that the name of the report?
6 A Yes.
7 Q That shows the log-ins?
8 A Yes.
9 Q What log-in is that capturing? Is that the
10 phone log-in?
11 A It shows me what time you actually logged into
12 the phone.
13 Q How long does it take to log into the phone?
14 A The time it takes to enter five digits on a
15 keypad.
16 Q And can you tell by looking at a log-in -- by
17 looking at log-in data whether an employee is working
18 or not, performing work if they have logged in?
19 A No. That's not an indication if they're in
20 available state or working. That's simply an
21 indication that they have logged into the phone system.
22 MR. RAY: That's all I have.
23 FURTHER EXAMINATION
24 BY MR. WALTON:

25 Q One quick -- I guess not one, but maybe two

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1 quick follow-ups. On the sequence, the sequence of
2 booting up and everything, if I just come to my
3 computer, sit down, hit the power button and then, say,
4 log into the Avaya phone system, that's going to say
5 I'm available for calls, correct?

6 A No. It says you're logged in.

7 Q It doesn't say I'm available for calls yet?

8 A You have to -- you, the individual, has to
9 make a conscious decision to make yourself available.

10 Q Okay. Then after I make -- say, I've turned
11 on my computer, logged into the phone system and, I
12 guess, pressed a button on the Avaya system saying I'm
13 available, am I available to do my job?

14 A Yes.

15 Q Do I need a tool bar -- tool application of
16 any other sort open?

17 A My expectation for my team at System X is that
18 yes, you would have the tools open.

19 Q Okay. That wasn't my question. My question
20 is I've turned on my computer. The Avaya system is the
21 only other thing that's open.

22 A Okay.

23 Q Am I meeting your expectations of being
24 available to do my job?

25 A If you're in avail, auto avail on the

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1 telephone, you would never get a push-back from me on
2 that. If the phone rings, you answer the phone.

3 Q That means I don't need any of my tool
4 application bar open?

5 A I didn't say that. I said -- I told you what
6 my expectation was.

7 Q Okay. Your expectation is that the tool --
8 how many tools being open then?

9 A There's two or three applications that they
10 need to open.

11 Q Two to three more applications that need to be
12 open?

13 A Right.

14 Q Is there anything else that would need to be
15 open?

16 A Actually, there's only two that they would
17 need to have open to start with to be able to serve a
18 client that called live, and that would be NSS and
19 ICPM.

20 Q And for all of that to take place, I believe
21 your testimony was four to six minutes?

22 A Something in that area, yes.

23 Q Okay. Then the Avaya -- when you're logged in
24 on the Avaya system, it says what time you're logged
25 in, correct? It's not saying what time -- scheduled

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1 work time or anything like that? It just tells you --

2 A It's what time you logged in. It's the time

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3 that's on the telephone, the time that's on the switch,
4 yes.

5 Q All right.

6 MR. WALTON: I don't think I have
7 anything further. Thank you.

8 THE WITNESS: You're welcome.

9 (Deposition concluded at 11:52 a.m.)

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1 C E R T I F I C A T E

2

3 I hereby certify that the foregoing
4 deposition was taken down, as stated in the
5 caption; that the witness was duly sworn and
elected to reserve signature in this matter;
that the colloquies, questions and answers

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 were reduced to typewriting under my
 direction; and that the foregoing pages 1
 through 86 represent a true, correct and
 complete record of the evidence given.

The above certification is expressly
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I further certify that I am not a
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Pursuant to Rule 30(e) of the Federal Rules of
 Civil Procedure and/or OCGA 9-11(30)(e), any changes in
 form or substance which you desire to make to your
 deposition testimony shall be entered upon the
 deposition with a statement of the reasons given for
 making them.

To assist you in making any such corrections,
 please use the form below. If supplemental or
 additional pages are necessary, please furnish same and
 attach them to this errata sheet.

I, the undersigned, GEORGE LAMBOUSIS, JR., do
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9 hereby certify that I have read the foregoing deposition
and that said transcript is true and accurate, with the
10 exception of the following changes noted below, if any:
11 Page____Line____should read:_____
12 Reason:_____
13
14 Page____Line____should read:_____
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16 Reason:_____
17
18 Page____Line____should read:_____
19
20 Reason:_____
21
22 Page____Line____should read:_____
23
24 Reason:_____
25

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1 Page____Line____should read:_____
2
3 Reason:_____
4
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7 Reason:_____
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13 Page _____ Line _____ should read: _____

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17 Page _____ Line _____ should read: _____

18

19 Reason: _____

20

21

22 _____
GEORGE LAMBOUSIS, JR.,

23 Sworn to and subscribed before me,
24 _____, Notary Public.

25 This _____ day of _____ 2008.
My commission expires:

□